

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---------------------------------------------------|---|-----------------------------|
| In Re: | : | Bankruptcy No. 19-10981-elf |
| Nina Mitchell | : | Chapter 13 |
| Debtor | : | |
| U.S. Bank National Association, not in its | : | |
| individual capacity but solely as trustee for the | : | |
| RMAC Trust, Series 2016-CTT c/o Rushmore | : | |
| Loan Management Services | : | |
| Movant | : | |
| vs. | : | |
| Nina Mitchell | : | |
| Debtor/Respondent | : | |
| and | : | |
| William C. Miller, Esquire | : | |
| Trustee/Respondent | : | |

OBJECTION TO CONFIRMATION OF THE PLAN

U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT c/o Rushmore Loan Management Services (“Movant”), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the Chapter 13 Plan of Debtor, Nina Mitchell (“Debtor”), as follows:

1. As of the bankruptcy filing date of February 18, 2019, Movant holds a secured Claim against the Debtor’s property located at 715 Clovelly Lane, Devon, PA 19333.
2. Movant filed a Proof of Claim on March 15, 2019 with pre-petition arrears in the amount of \$149,404.84.
3. The Plan currently proposes payment to Movant in the amount of \$110,000.00 for pre-petition arrears.
4. The Plan fails to cure the delinquency pursuant to 11 U.S.C. § 1322(b)(5).
5. The Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim.

6. Movant objects to the feasibility of the Plan under 11 U.S.C. § 1325(a)(6). The Plan proposed by Debtor is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtor's Chapter 13 Plan.

Respectfully submitted,

Dated: 03/22/2019

/s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
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In Re: : Bankruptcy No. 19-10981-elf
Nina Mitchell : Chapter 13
Debtor :
U.S. Bank National Association, not in its :
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RMAC Trust, Series 2016-CTT c/o Rushmore :
Loan Management Services :
Movant :
vs. :
Nina Mitchell :
Debtor/Respondent :
and :
William C. Miller, Esquire :
Trustee/Respondent :
:

**CERTIFICATE OF MAILING OF OBJECTION TO THE PROPOSED
PLAN TO PARTIES IN INTEREST**

I, Danielle Boyle-Ebersole, Esquire, attorney for U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT c/o Rushmore Loan Management Services (“Movant”), certify that I served a copy of the attached Objection to the Plan to the parties below on 03/22/2019:

Michael G. Deegan, Esquire
Via Electronic Filing
Attorney for Debtor

William C. Miller, Esquire
Via Electronic Filing
Trustee

Nina Mitchell
715 Clovelly Lane
Devon, PA 19333
Via First Class Mail

Debtor

Date: 03/22/2019

Respectfully Submitted,
/s/Danielle Boyle-Ebersole, Esquire
Danielle Boyle-Ebersole, Esquire
Hladik, Onorato & Federman, LLP
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North Wales, PA 19454
Phone 215-855-9521/Fax 215-855-9121
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